

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ABHIJIT PRASAD,
Plaintiff,
v.
GAIL SIMMONS, et al.,
Defendants.

Case No. [15-cv-04933-BLF](#) (VKD)

**INTERIM ORDER RE JOINT
DISCOVERY DISPUTE LETTER**

Re: Dkt. No. 82

The Court has reviewed the parties' joint discovery dispute letter filed December 11, 2018, in which they ask the Court's assistance in resolving a dispute concerning the deposition of plaintiff Abhijit Prasad. It appears from the parties' submission that this dispute is not ready for the Court's review because the parties have failed to gather the information necessary for a meaningful discussion of their dispute.

It appears from a simple ECF query that Mr. Prasad is the sole defendant in a criminal proceeding pending before Judge Breyer in the Northern District of California. *See* Case No. 3:18-cr-00368-CRB. The docket reflects that he is currently represented by the Federal Public Defender, whose name and contact information are provided on the docket. The docket also reflects that Mr. Prasad was first arrested in December 2016 in the Eastern District of California and has been in custody since May 2018.

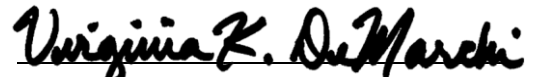
Given the publicly available information about Mr. Prasad's status and counsel in the criminal proceeding, there is no reason why Mr. Prasad's counsel in this case should not be able to better inform herself about her client's circumstances, availability, and intentions with respect to this matter.

Accordingly, the Court orders as follows:

1. Mr. Prasad's counsel shall consult with Mr. Prasad's criminal defense counsel to determine whether Mr. Prasad can be produced for deposition while in pretrial detention, including the specific arrangements that must be made with the jail or other facility in which Mr. Prasad is detained.
2. Mr. Prasad's counsel shall, in consultation with Mr. Prasad's criminal defense counsel, determine whether there are any other considerations that may impact Mr. Prasad's ability to submit to a deposition in this case.
3. Thereafter, Mr. Prasad's counsel will advise defendants' counsel of Mr. Prasad's availability (or lack thereof) for deposition, and the parties shall confer further about the dispute raised in the joint discovery dispute letter.
4. The parties shall report back to the Court regarding their compliance with this interim order and the status of the discovery dispute no later than **January 14, 2019**.

IT IS SO ORDERED.

Dated: December 12, 2018


VIRGINIA K. DEMARCHI
United States Magistrate Judge